

**TOWN OF ELSMERE  
BOARD OF ADJUSTMENTS  
MEETING MINUTES  
October 25, 2011  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**ROLL CALL:**

Board Member Patricia Boyd – Present  
Board Member James Personti – Present  
Board Member John Smith – Present  
Board Member John Acton – Present  
Chairman Paul Chalfant – Absent

**APPROVAL OF MINUTES:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Review Petition 11-17 Tax Parcel # 1900-200-219 also known as 2112 Seneca Rd.

Anthony Calvarese, the owner of the rental property, appeared before the Board and presented his reason for filing the appeals of 2 citations. In addition to Mr. Calvarese, the Board heard testimony from others including Town Officials.

The first was Citation # 11-9-0675, which was issued on September 27, 2011 which alleged a violation of section 605.1 of the 2000 International Property Maintenance Code (All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.)

The Second was Citation # 11-9-0665, which was issued on September 22, 2011 which alleged a violation of section 303.2 of the 2000 International Property Maintenance Code (All exterior surfaces shall be maintained in good condition. Exterior wood surfaces shall be protected from the elements and decay by painting or other protective covering or treatment.)

At the conclusion of the testimony, and after introduction of evidence, Board Member Smith made a motion to deny the appeal of Citation # 11-9-0675, which was seconded by Board Member Acton. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of this citation was denied.

**ACTION:** A motion was made by Board Member Smith to deny the appeal of Citation# 11-9-0675. Board Member Acton seconded the motion.

**VOTE:** All in favor 4-0 With 1 Absent Motion Carried

Board Member Boyd then made a motion to grant the appeal of Citation # 11-9-0665, which was seconded by Board Member Acton. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of this citation was granted.

**ACTION:** A motion was made by Board Member Boyd to grant the appeal of Citation# 11-9-0665. Board Member Acton seconded the motion.

**VOTE:** All in favor 4-0 With 1 Absent Motion Carried

Review Petition 11-18 Tax Parcel # 1900-200-213 also known as 2109 Seneca Rd.

David & Jean Morales, the owners of the rental property at 2109 Seneca Rd., appeared before the Board and presented their reason for filing the appeals of 3 citations. In addition to Mr. & Mrs. Morales, the Board heard testimony from others including Town Officials.

The First was Citation # 11-9-0602, which was issued on September 19, 2011 which alleged a violation of section 302.7 of the 2000 International Property Maintenance Code (All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.)

The Second was Citation # 11-9-0603, which was issued on September 19, 2011 which alleged a violation of section 303.15 of the 2000 International Property Maintenance Code (All exterior door, door assemblies, and hardware shall be maintained in good condition.)

The Third was Citation # 11-9-0604, which was issued on September 19, 2011 which alleged a violation of section 303.2 of the 2000 International Property Maintenance Code (All exterior surfaces shall be maintained in good condition. Exterior wood surfaces shall be protected from the elements and decay by painting or other protective covering or treatment.)

At the conclusion of the testimony, and after introduction of evidence, Board Member Smith made a motion to deny the appeal of Citation # 11-9-0602, which was seconded by Board Member Boyd. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of this citation was denied.

**ACTION:** A motion was made by Board Member Smith to deny the appeal of Citation# 11-9-0602. Board Member Boyd seconded the motion.

**VOTE:** All in favor 4-0 With 1 Absent Motion Carried

Board Member Smith then made a motion to deny the appeal of Citation # 11-9-0603, which was seconded by Board Member Acton. A vote was taken and Board Members Smith and Acton voted in favor of the motion. Board Members Boyd and Personti voted against the motion. Therefore, the appeal of this citation was granted. Chairman Chalfant did not attend the meeting.

**ACTION:** A motion was made by Board Member Smith to deny the appeal of Citation# 11-9-0603. Board Member Acton seconded the motion.

**VOTE:** 2-2 With 1 Absent Motion Dies Appeal Granted

Board Member Smith then made a motion to deny the appeal of Citation # 11-9-0604, which was seconded by Board Member Personti. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of this citation was denied.

**ACTION:** A motion was made by Board Member Smith to deny the appeal of Citation# 11-9-0604. Board Member Personti seconded the motion.

**VOTE:** All in favor 4-0 With 1 Absent Motion Carried

Review Petition 11-19 Tax Parcel # 1900-200-184 also known as 12 Elsmere Blvd

Mr. Lawrence Carson of Larbil Enterprises, LLC, the owners of the rental property at 12 Elsmere Blvd., appeared before the Board and presented his reason for filing the appeals of 3 citations. In addition to Mr. Carson, the Board heard testimony from others including Town Officials.

The First was Citation # 11-9-0631, which was issued on September 22, 2011 which alleged a violation of section 605.1 of the 2000 International Property Maintenance Code (All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.)

The Second was Citation # 11-9-0632, which was issued on September 22, 2011 which alleged a violation of section 303.2 of the 2000 International Property Maintenance Code (All exterior surfaces shall be maintained in good condition. Exterior wood surfaces shall be protected from the elements and decay by painting or other protective covering or treatment.)

The Third was Citation # 11-9-0633, which was issued on September 22, 2011 which alleged a violation of section 303.13 of the 2000 International Property Maintenance Code (Every window shall be kept in sound condition, good repair and weather tight.)

At the conclusion of the testimony, and introduction of evidence, Board Member Boyd made a motion to grant the appeal of Citation # 11-9-0631, which was seconded by Board Member Smith. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of this citation was granted.

**ACTION:** A motion was made by Board Member Boyd to grant the appeal of Citation# 11-9-0631. Board Member Smith seconded the motion.

**VOTE:** All in favor 4-0 With 1 Absent Motion Carried

Board Member Smith then made a motion to deny the appeal of Citation # 11-9-0632, which was seconded by Board Member Boyd. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of this citation was denied.

**ACTION:** A motion was made by Board Member Smith to deny the appeal of Citation# 11-9-0632. Board Member Boyd seconded the motion.

**VOTE:** All in favor 4-0 With 1 Absent Motion Carried

Board Member Boyd then made a motion to grant the appeal of Citation # 11-9-0633, which was seconded by Board Member Acton. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of this citation was granted.

**ACTION:** A motion was made by Board Member Boyd to grant the appeal of Citation# 11-9-0633. Board Member Acton seconded the motion.

**VOTE:** All in favor 4-0 With 1 Absent Motion Carried

Review Petition 11-20 Tax Parcel # 1900-400-717 also known as 802 Baltimore Ave.

Ms. Beverly J. Reeder, who is the occupant of the rental property at 802 Baltimore Ave., appeared before the Board and presented her reason for filing the appeals of 2 citations. In addition to Ms. Reeder, the Board heard testimony from others including Town Officials. The property owner did not appear.

The First was Citation # 11-9-0712, which was issued on October 04, 2011 which alleged a violation of section 302.4 of the 2000 International Property Maintenance Code (All premises and exterior property shall be maintained free from weeds or plant in excess of 8 inches.)

The Second was Citation # 11-9-0713, which was issued on October 04, 2011 which alleged a violation of section 305.1 of the 2000 International Property Maintenance Code (All exterior property and premises of every structure shall be free from any accumulation of rubbish or garbage.)

At the conclusion of the testimony, and after introduction of evidence, Board Member Smith made a motion to deny the appeal of Citation # 11-9-0712, which was seconded by Board Member Acton. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of this citation was denied.

**ACTION:** A motion was made by Board Member Smith to deny the appeal of Citation# 11-9-0712. Board Member Acton seconded the motion.

**VOTE:**            All in favor                      4-0 With 1 Absent                      Motion Carried

Board Member Smith then made a motion to deny the appeal of Citation # 11-9-0713, which was seconded by Board Member Acton. A vote was taken, and Board Members Acton, Personti, and Smith voted in favor of the motion. Board Member Boyd voted against the motion. Therefore, the appeal of this citation was denied by a vote of 3 to 1.

**ACTION:** A motion was made by Board Member Smith to deny the appeal of Citation# 11-9-0713. Board Member Acton seconded the motion.

**VOTE:**                      3-1 With 1 Absent                      Motion Carried

Review Petition 11-22 Tax Parcel # 1900-200-201 also known as 2133 Seneca Rd.

Mr. Julio Rivera, who is the owner of the rental property at 2133 Seneca Rd., did not appear before the Board to present his reason for filing the appeals of 2 citations.

The First was Citation # 11-9-0620, which was issued on September 22, 2011 which alleged a violation of section 303.2 of the 2000 International Property Maintenance Code (All exterior surfaces shall be maintained in good condition. Exterior wood surfaces shall be protected from the elements and decay by painting or other protective covering or treatment.)

The Second was Citation # 11-9-0621, which was issued on September 22, 2011 which alleged a violation of section 303.7 of the 2000 International Property Maintenance Code (Gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.)

After the introduction of evidence, Board Member Boyd made a motion to deny Petition 11-22, which was seconded by Board Member Acton. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of these citations was denied.

**ACTION:** A motion was made by Board Member Boyd to deny Petition 11-22. Board Member Acton seconded the motion.

**VOTE:** All in favor 4-0 With 1 Absent Motion Carried

**ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:** None

**PUBLIC COMMENT:** None

**ADJOURNMENT:**

**ACTION:** A motion was made by Board Member Boyd to adjourn. The motion was seconded by Board Member Acton.

**VOTE:** All in favor Vote: 4-0 with 1 Absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the October 25, 2011 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**PAUL CHALFANT, CHAIRMAN**

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**JAMES PERSONTI, SECRETARY**